

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6782 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MINOR NIKHILKUMAR DILIPKUMAR DHRUV THROUGH

Versus

SECRETARY (EXAMINATIONS)

Appearance:

MR JV JAPEE for Petitioner
MR MC BHATT for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 09/09/98

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. M.C. Bhatt, learned counsel for the respondent.

2. The grievance in this petition is that the petitioner got 74 marks out of 75 marks in Maths. Paper-II. But in moderation the marks were reduced from 74 to 43. That is how the petitioner has been before this

Court.

3. Notice was issued on 21/8/1998. Today Mr. M.C. Bhatt, learned counsel for the respondent-Board has shown to this Court the statement of the very examiner evaluator, who gave 74 marks out of 75 marks to the petitioner in Maths. Paper-II; in that he has on going through the answer sheet admitted that he committed gross errors on account of the fact that he could not properly go through the key provided by the Board. He himself found moderated marks i.e. 43 marks out of 75 marks to be correct. Even the moderator who gave 43 marks in place of 74 marks was required by the Secretary to give question-wise report and the moderator gave such report and it was found that the evaluation and moderation was quite true and correct. Hence, having gone through the said paper concerning moderation as well as statement made by the very examiner - evaluator, I find that no indulgence now can be shown in this petition. Hence, rule is discharged. No order as to cost. It is made clear that this order is not to be treated as a precedent.

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PVR sca 678298j.